

OCT 26 2004

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICENOTICE OF APPEAL & PETITION TO  
EXTEND UNDER 37 C.F.R. §1.136(a)Docket Number  
10191/1157Application Number  
09/432,338Filing Date  
November 2, 1999Examiner  
Eric S. KeaselArt Unit  
3754

Title

METHOD AND DEVICE FOR ACTIVATING  
AN ELECTROMAGNETIC CONSUMER

Applicant(s)

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(33,865)

Applicants appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action of April 21, 2004 that finally rejected pending and considered claims 83 to 85 and 87 to 90 (rejected claim 86 is to have been canceled by the Supplemental Amendment as explained below) (claim 86 is appealed to the extent not canceled by Examiner Keasel).

This Notice of Appeal is being filed with the three-month extension to maintain the case, since as discussed between Aaron C. Deditch, Esq. (reg. no. 33,865) and Examiner Keasel on July 13, 2004, this Supplemental Amendment supplements the Amendment After Final filed June 11, 2004 (and mailed on June 8, 2004), and is in further response to the Final Office Action mailed on April 21, 2004 (the three-month response date for which was July 21, 2004). *As discussed, Examiner Keasel was to enter the Supplemental Amendment so as to cancel without prejudice claim 86 so as to facilitate matters so that claims 83 to 85 and 87 to 90 could be appealed. The Examiner has advised that he would enter the Supplemental Amendment to cancel claim 86 for purposes of any Appeal to be pursued by the Applicants.*

This is also a Petition pursuant to 37 C.F.R. § 1.136(a) by which Applicants request a three-month extension of time to respond to the Final Office Action so that the three-month response period is extended by three months from July 21, 2004 to the six-month date of October 21, 2004.

The Commissioner is hereby authorized to charge the fees of \$1,320.00 (which includes the 37 C.F.R. § 1.191 Notice of Appeal fee, which is believed to be \$340.00, and the three-month extension fee under 37 C.F.R. § 1.136(a), which is believed to be \$980.00) to the deposit account number 11-0600 of Kenyon & Kenyon. The Commissioner is also authorized, as appropriate and/or necessary, to charge any additional fees, including any additional Rule 136(a) extension fees, or credit any excess fees to deposit account number 11-0600 of Kenyon & Kenyon. Two duplicate copies of this paper are enclosed for these purposes.

Dated: 10/21/2004By: Richard L. Mayer

Richard L. Mayer (Reg. No. 22,490)

10/27/2004 MAHMED1 00000009 110600 09432338

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